

Applicant: GATTO
Serial No: 09/775,599
Filing Date: February 5, 2001
Page: 22 of 24

REMARKS

In response to the Final Office Action mailed May 18, 2006 (hereinafter "Final Action"), claims 1, 21-23, 38, and 50-51 have been cancelled without prejudice or disclaimer, and claims 3-13, 15-20, 24-31, 37, 40-49, and 52-54 have been amended. No claims have been newly added. Claims 2 and 39 were cancelled in a previous amendment. Therefore, claims 3-20, 24-37, 40-49, and 52-54 are pending. Support for the instant amendments is provided throughout the as-filed Specification. Thus, no new matter has been added. In view of the foregoing amendments and following comments, allowance of all the claims pending in the application is respectfully requested.

INFORMATION DISCLOSURE STATEMENT

A. Applicant thanks the Examiner for considering the references cited in the Supplemental Information Disclosure Statement filed on June 27, 2005, as evidenced by the signed and initialed copy of the PTO-1449 Form returned with the October 11, 2005 Final Office Action.

B. Applicant submitted a Supplemental Information Disclosure Statement on September 27, 2006 and respectfully requests that the Examiner consider the cited references and provide a signed copy of the Form PTO-1449 for this submission with the next Office Action.

Applicant: GATTO
Serial No: 09/775,599
Filing Date: February 5, 2001
Page: 23 of 24

NON-STATUTORY DOUBLE PATENTING REJECTION

Claims 1, 38, and 51 stand rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 44, 46, and 48 of co-pending U.S. Patent Application Serial No. 09/524,253 [Final Action, pg. 3, ¶3]. Although Applicant disagrees with the rejection set forth by the Examiner, a terminal disclaimer is being filed herewith *solely* in an effort to expedite prosecution. Applicant further notes that the filing of a terminal disclaimer to obviate a rejection based on non-statutory double patenting is not an admission of the propriety of the rejection. *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d (BNA) 1392 (Fed. Cir. 1991). The court indicated that the “filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection.” Accordingly, withdrawal of this rejection is earnestly sought.

REJECTIONS UNDER 35 U.S.C. § 103/ALLOWABLE SUBJECT MATTER

Claims 1, 3-23, 38, and 51 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,073,115 to Marshall in view of U.S. Patent No. 5,608,620 to Lundgren [Final Action, pg. 4, ¶5]. Claims 24-37, 40-50, and 52-54 are objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. [Final Action, pg. 4, ¶6]. Although Applicant disagrees with the propriety of the rejection, the claims have been amended in accordance with the Examiner’s indication of

Applicant: GATTO
Serial No: 09/775,599
Filing Date: February 5, 2001
Page: 24 of 24

allowable subject matter *solely* in an effort to expedite prosecution. In particular, claims 24-31, 37, 40-44, and 52-54 have been rewritten in independent form. Dependent claims 3-20 have been amended to depend from allowable independent claim 27. Accordingly, withdrawal of this rejection is earnestly sought.

CONCLUSION


Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Date: October 18, 2006

Respectfully submitted,

By:


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